

Application Number: 10/510,457  
Amendment Dated: March 1, 2010  
Office Action Dated: November 30, 2009

### **REMARKS**

This paper is responsive to the Office Action dated November 30, 2009, for which a three (3) month period of response was given. Since February 28, 2010 was a Sunday, this paper and any accompanying papers are timely filed on Monday, March 1, 2010. Additionally, the Commissioner is hereby authorized to charge the necessary additional claims fees to Deposit Account No. 50-0959, Attorney Docket No. 089498.0426.

Claims 1, 3 through 9, 11, 12 and 16 through 30 are pending in the present application upon entry of the above amended claim set. Claims 1, 7 and 9 have been amended to better state the nature of the present invention. Support for the amendments to claims 1, 7 and 9 can be found in the specification as filed. Accordingly, no new matter has been added. Claims 2, 10 and 13 through 15 have been cancelled. Claims 25 through 30 have been added.

Regarding the claim amendments, claim 1 has been amended to include the allowable subject matter of claim 2; claim 7 has been amended to include the combination of the allowable subject matter of claim 7 and that of independent claim 1; and claim 9 has been amended to include the allowable subject matter of claim 10. Claims 25 through 30 have been added and are identical in nature to claims 2 through 6 and 8 except that these claims depend from newly independent claim 7.

Applicants under signed attorney would like to thank the Examiner for the indication that claims 17 through 24 are allowable, as well as the allowable nature of claims 2, 7 and 10 if rewritten into independent format.

#### **I. The 35 U.S.C. § 112, Second Paragraph, Rejections:**

Claims 9 and 11 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Specifically, claim 9 has been rejected as indefinite based on an inadvertent inconsistency. In light of this, claim 9 has been amended to rectify this inadvertent inconsistency. As such, the 35 U.S.C. § 112, second paragraph, rejection of claim 9 is believed to have been rendered moot, and withdrawal thereof is believed due and is respectfully requested.

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Regarding claim 11, claim 11 is directed to the embodiment where the three components are varied over time in relation to one another and thus yield a fiber, or non-woven fiber assembly, that contains fiber having varied contents of each of the three components within one given fiber. Given the disclosure contained in the application as filed, one of skill in the art would, upon reading and understanding the application as filed, understand the content and scope of currently pending claim 11. As such, the 35 U.S.C. § 112, second paragraph, rejection of claim 11 is believed to be unfounded, and withdrawal thereof is believed due and is respectfully requested.

II. The 35 U.S.C. § 103(a) Rejection:

Claims 13 through 15 have been rejected under 35 U.S.C. § 103(a) over Joseph et al. (United States Patent No. 5,238,733) in view of Forte (United States Patent No. 6,114,024). This rejection is moot in view of the cancellation of claims 13 through 15. As such, withdrawal of this 35 U.S.C. § 103(a) is believed due and is respectfully requested.

III. The Non-Statutory Obviousness-Type Double Patenting Rejection:

Claims 1, 3 through 6, 8, 9 and 12 through 16 have been rejected under the doctrine of non-statutory obviousness-type double patenting over United States Patent No. 6,753,454. However, given the amendments made to claims 1, 7 and 9 it is believed that the non-statutory obviousness-type double patenting rejection has been rendered moot. As such, withdrawal of this rejection is believed due and is respectfully requested.

IV. Conclusion:

Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejections, the 35 U.S.C. § 103(a) rejection, and the non-statutory obviousness-type double patenting rejection of the are believed due and are respectfully requested.

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For at least the foregoing reasons, claims 1, 3 through 9, 11, 12 and 16 through 30 of the present application are believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

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